

REMARKS

This Response is submitted in reply to the Office Action dated May 9, 2008. Claims 1, 28, 40, 48, 56, 74, and 85 are amended. No new matter has been added by these amendments. A Request for Continued Examination ("RCE") is submitted herewith. Please charge deposit account 02-1818 for any fees which are due in connection with this response.

The Office Action rejected claims 1-93 under 35 U.S.C. §103(a) as being unpatentable over Walker et al. (U.S. Patent No. 6,203,430; hereafter "Walker") in view of Graham et al. (U.S. Patent No. 6,491,584; hereafter "Graham"). Applicants respectfully disagree and traverse for at least the reasons set forth below. Additionally, certain of the claims have been amended for clarity.

Walker discloses "a slot machine [that] identifies a tracked symbol and initializes a running count representing active occurrences of the tracked symbol generated during a play session. . . . The slot machine adjusts the running count, increasing the running count to reflect occurrences of the tracked symbol and decreasing the running count to reflect expiration of occurrences of the tracked symbol. Once the running count reaches a predetermined level, the slot machines determines a bonus payout based on the running count." Walker, abstract. "The running count represents a number of occurrences of the tracked symbol, for example, during a particular time period or throughout a number [sic] plays of the slot machine." Walker, 3.38-41.

Graham discloses a gaming machine, wherein if "during the initial series of free games, another trigger condition arises, a subsequent series of free games, including a bonus feature, is awarded" Graham, abstract.

Pages 3-4 of the Office Action maintains that Walker "lacks in explicitly disclosing at least one re-trigger symbol" and that "[i]t would have been obvious to modify the invention taught by Walker to include the re-trigger features of Graham"

Responding to Applicant's remarks filed February 4, 2008, Page 7 of the Office Action states that "it is noted that the features upon which applicant relies (i.e., limiting the number of plays in a play session) are not recited in the rejected claim(s)." Page 7. Applicants have amended independent Claims 1, 28, 40, 56, and 74 to more clearly

recite that the reels may be activated “until none of the initial designated number of spins remain.”

Regardless of whether it would have been obvious to combine Walker with the re-trigger feature of Graham, the proposed combination still lacks the claim element of “wherein the designated number of prize symbols is greater than the number of prize symbols which can possibly be accumulated in the initial designated number of spins of the reels” as in Claim 1. Similar elements are in independent Claims 28, 40, 56, and 74.

Page 8 of the Office Action rejected this argument stating that this: “argument relies upon the assumption that Walker fails to teach an initial designated number of spins of the reels. Because the Examiner has shown above that this assumption is incorrect, the argument is unpersuasive.” This argument, however, relies on the previous statement on page 7 that “limiting the number of plays in a play session [is] not recited in the rejected claim(s).”

As stated above, Applicants have amended independent Claims 1, 28, 40, 56, and 74 to more clearly recite that the “initial designated number of spins” limits activation of the reels (i.e., “activate the reels until none of the initial designated number of spins remain”), which is clearly different than expiring occurrences of the tracked symbol as in Walker. Walker does not otherwise suggest any similar relationship between the “designated number of prize symbols” and “initial designated number of spins of the reels.” Walker instead provides only examples of numbers of spins sufficient to accumulate symbols necessary for a payout. See Walker, 10.16-24. Accordingly, Applicants respectfully submit that independent Claims 1, 28, 40, 56, and 74 and their respective dependent claims are allowable over the proposed combination of Walker and Graham.

Applicants have also amended independent Claims 48 and 85 to include the claim elements: “wherein the re-trigger symbol or the predetermined symbol combination must occur on the reels to accumulate the designated number of first prize symbols,” and “wherein the re-trigger symbol or the predetermined symbol combination must occur on the reels to accumulate the designated number of second prize symbols.” Neither Walker, nor Graham, disclose such elements. Regardless of the

proposed combination of Walker and Graham, Applicants submit that independent Claims 48 and 85 and their respective dependent claims are allowable.

Walker also does not anticipate or render obvious a gaming device comprising "a processor programmed to . . . activate the reels until none of the initial designated number of spins remain" as in Claim 1 and stated similarly in independent Claims 28, 40, 56, and 74. Walker does not teach limiting activation of the reels. Walker, further, teaches away from this element, because limiting activation of the reels would defeat the advantages and benefits contemplated by Walker for accumulating symbols. Walker specifically provides: "[i]t would be highly desirable to provide such a slot machine where a player is motivated, on a consistent and ongoing basis, to prolong session play so as to avoid losing accumulated credits." Walker, 3.10-13. To encourage a player to continue playing, Walker appears to provide the player with a vested interest (i.e., accumulated credits/tracked symbols) and depletes that vested interest over time (i.e., expiring accumulated credits/tracked symbols after lapse of time or plays). Walker's specific advantage requires that the player, being motivated to avoid losing credits, have the continual opportunity to react by choosing whether to continue playing. Providing an "initial designated number of spins" that limits activation of the reels would defeat the advantages contemplated by Walker. Once a player has been denied the opportunity for continued play associated with symbols already accumulated, the player can no longer be motivated by the accumulated symbols to prolong session play.

Walker also teaches away from the proposed combination with the re-trigger feature of Graham. The re-trigger feature of Graham is useful where access is restricted to a particular feature of a gaming machine. Graham specifically discloses a gaming machine, which provides series of free games having bonus features, wherein if "during an initial series of free games, another trigger condition arises, a subsequent series of free games . . . is awarded." Graham, 1.29-45. Thus, it is the occurrence of a subsequent trigger condition that provides access to additional free games and their associated bonus features. Walker does not restrict access to its symbol accumulation feature. As discussed above, Walker depends on providing a player continual opportunity to choose whether to keep playing based occurrences of symbols already

accumulated and their impending expiration. Walker, therefore, has no use for a re-trigger feature as taught by Graham. Further, Walker's advantages would be defeated by restricting access to its symbol accumulation feature, which would be necessary for use of the re-trigger feature as taught by Graham.

For at least the reasons set forth above, Claims 1-93 are patentable over the proposed combination of Walker and Graham and are in condition for allowance.

An earnest endeavor has been made to place this application in condition for allowance and is courteously solicited. If the Examiner has any questions related to this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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